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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JAMES BLANCH, individually;

Plaintiffs,

vs.

ALBERTSON'S LLC, a Foreign Limited-Liability)
Company; ALBERTSON'S COMPANIES, INC., a)
Foreign Corporation, DOE EMPLOYEE, DOE)
DEFENDANT 1 – 10, inclusive; ROE)
CORPORATION 1 – 10 inclusive;

Defendants.

CASE NO.: 2:22-cv-00599-JCM-NJK

**STIPULATION AND ORDER TO
EXTEND DISCOVERY
DEADLINES (FIRST REQUEST)**

IT IS HEREBY STIPULATED by and between the parties that discovery shall be extended sixty (60) days until **November 22, 2022**.

In order to fully litigate all the claims and defenses in this matter, the parties anticipate taking several depositions of percipient witnesses, corporate designees and experts; however, given the schedules of said witnesses and experts, the parties have encountered difficulty scheduling the same and arranging for experts to author their reports. The sixty (60) day extension of time will ensure that the parties have ample time to conduct any and all discovery necessary for this matter. As such, the parties agree that an additional **sixty (60) days** are needed to disclose experts, complete party and witness depositions and complete discovery.

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I. Discovery Completed to Date

1. A Joint Discovery Plan and Scheduling Order (ECF No. 9) was filed on May 16, 2022.
2. Plaintiff served their Initial FRCP Disclosures on May 5, 2022.
3. Defendant served their Initial FRCP Disclosures on May 20, 2022.
4. Plaintiff served Interrogatories, Request for Production of Documents and Request for Admission to Defendant on June 2, 2022.

II. Description of Additional Proposed Discovery

The parties discussed what additional discovery needs to be completed in this matter. It was determined that, in order to fully litigate and investigate all alleged claims and defenses, the parties need to engage in the following:

1. Depositions of parties and witnesses including, but not limited to, Plaintiff, his wife, the store manager, store security officer, FRCP 30(b)(6) witness, Plaintiff's treating physicians and any experts disclosed.
2. Additional disclosure of documents and written discovery including gathering and disclosing all of Plaintiff's medical records.
3. Retention of experts.
4. Disclosure of all experts and their reports as well as depositions of the same.

Proposed Schedule for Completing All Remaining Discovery

The parties wish to extend the dates for discovery as follows:

	<u>Current Dates</u>	<u>Proposed Dates</u>
Last day to amend pleadings or add parties	June 24, 2022 July 25, 2022	July 25, 2022 August 24, 2022
Last day to serve initial expert disclosures	July 25, 2022	August 24, 2022
Last day to serve rebuttal expert disclosures	August 24, 2022	September 23, 2022
Last day to complete discovery	September 23, 2022	November 22, 2022
Last day to file dispositive motions	October 24, 2022	December 22, 2022

1 **III. Reasons Why Good Cause Exists to Extend Expert Discovery Deadlines**

2 FRCP 16(b)(5) provides that the scheduling order “shall not be modified” except upon
 3 a showing of good cause. The purpose of this rule is “to offer a measure of certainty in pretrial
 4 proceedings, ensuring that at some point both the parties and pleadings will be fixed.” *Nutton v.*
 5 *Sunset Station, Inc.*, Nev. Adv. Rep. 34, 357 P.3d 966, 971 (Nev. App. 2015). Good cause is
 6 established by showing that the current deadline cannot be met despite the requesting party’s
 7 diligence in attempting to meet said deadline. Diligence in attempting to meet a deadline may be
 8 determined by considering the explanation for the untimely conduct; the importance of the
 9 requested untimely action; the potential prejudice in allowing the untimely conduct; and the
 10 availability of a continuance to cure such prejudice. *Id.* at 971-72.

11 As outlined above, the parties are not asking for this extension to delay these proceedings.
 12 Instead, the parties request this extension so that they may complete the necessary discovery to
 13 fully litigate all claims and defenses in this matter. As it stands right now, the expert disclosure
 14 deadline is July 25, 2022. Plaintiff has retained Dr. William Muir, MD as his retained expert. Dr.
 15 William Muir is in Europe and out of the country until July 17, 2022, and has indicated that he
 16 will be unable to review Plaintiff’s medical records and author a report by July 25, 2022.
 17 Furthermore, Plaintiff just recently completed treating for the injuries he sustained as a result of
 18 this incident and his counsel is diligently working to obtain a complete set of medical records to
 19 provide to Dr. William Muir, MD. and defense counsel. Additionally, as Plaintiff is a candidate
 20 for repeat injection therapy in his neck and lower back, Defendant wishes for him to undergo an
 21 evaluation with their own expert. However, it has been difficult to schedule said examination
 22 during the summertime as numerous experts are on vacation and unavailable to conduct said
 23 exam. The parties have been working to schedule depositions of numerous individuals including
 24 the plaintiff, his wife, the store manager, the store security officer and other percipient witnesses
 25 but have had difficulty arranging the same due to the vacation schedule of counsel and several
 26 witnesses. Instead of asking for a thirty day (30) extension to complete the requested discovery
 27 and allow for retention of experts, the parties are requesting a sixty-day (60) extension in an
 28 abundance of caution to ensure that they can complete the necessary discovery. The requested

extension of time for completion of discovery will allow the parties and their counsel to fully litigate this matter.

Date: June 17, 2022
RICHARD HARRIS LAW FIRM

/s/ Samantha A. Martin

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Date: June 17, 2022
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/s/ Jack P. Burden

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ORDER

IT IS SO ORDERED.

DATED this 17th day of June, 2022.


United States Magistrate Judge